

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2014-393-S
and
DOCKET NO. 2009-238-S

IN RE:

Village Overlook Condominium Association,
Complainant / Petitioner,

vs.

JACABB Utilities, LLC,
Defendant/Respondent.

)
)
) **VILLAGE OVERLOOK**
) **CONDOMINIUM ASSOCIATION'S**
) **FIRST INTERROGATORIES TO**
) **JACABB UTILITIES, LLC**
)
)
)

TO: SCOTT ELLIOTT, ATTORNEY FOR JACABB UTILITIES, LLC

Village Overlook Condominium Association ("VOCA"), pursuant to S.C. Regulation 103-833B., of the Rules and Regulations of the South Carolina Public Service Commission ("Commission") serves upon JACABB Utilities, LLC ("JACABB"), through its attorney, the following interrogatories, to be answered separately and in writing **no later than twenty (20) days after service hereof**, and.:

IT IS HEREIN REQUESTED:

A. Answer these interrogatories in full compliance with all provisions set forth in S.C. Regulation 103-833B.

B. Reproduce each Interrogatory at the beginning of the corresponding response.

C. Provide responses to these Interrogatories as soon as possible, but **not later than 20 days from service hereof**.

D. If the response to any Interrogatory is that the information requested is not currently available, state when the information requested will become available.

E. These Interrogatories shall be deemed continuing. You are therefore required to supplement or amend Your responses as any additional information becomes available up to and through the date of trial.

F. If You assert a privilege not to answer, identify each matter as to which You are asserting the privilege, the nature of the privilege, and the corresponding legal and factual basis.

G. If You refuse to answer an Interrogatory on the grounds that same would be unduly burdensome, identify the number and nature of documents needed to be searched, the location of the documents, and the number of man hours and costs required to conduct the search.

K. Answer each Interrogatory on the basis of Your entire knowledge.

I. If any Interrogatory cannot be answered in full, answer to the extent possible and specify reasons for Your inability to fully answer.

J. Document. The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in Your possession, custody or control, including, but not limited to, correspondence, memoranda, drafts, work papers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail files (including without limitation, email messages and their attachments, text messages and instant messages); and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original. The term "document" further includes, by way of illustration and not limitation, schedules, progress schedules, time logs, drawings, computer disks, charts, projections, time tables, summaries of other documents, minutes, surveys, work sheets, drawings, comparisons, evaluations, laboratory and testing reports, telephone call records, personal diaries, calendars, personal notebooks, personal reading files, transcripts, witness statements, indices, video recordings, and audio recordings.

K. Construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of these Interrogatories any information which might otherwise be construed outside their scope.

L. "Identify" or "Identity" used with reference to an individual or entity means to state his or her full name, present or last known address, present or last known position and business affiliation, and employer, title, and position at the time in question.

M. "Identify" or "Identity" used with reference to a Document means to state the date, author, type of document (e.g. letter, memorandum, telegram, chart, note application, etc.) or other means of identification, and its present location or custodian. If such Document is no longer in or subject to Your control, state what disposition was made of it.

N. "Identify" or "Identity" use in reference to a Communication means to state the date, author, participants, type of Communication (e.g., face-to-face conversation, telephone call, email message, etc.), the person who initiated the Communication, the content and subject of the Communication and, if the Communication is a Document, or includes Documents, their present location or custodian.

O. "You" and "Yours" shall mean the Party to which these discovery requests are directed and that Party's attorneys, agents, servants, representatives, employees, consultants, officers, and/or directors.

P. "Communications" shall mean the conveyance, transmission, impartation or exchange of thoughts, messages, or information, as by speech, signals, writing, or behavior. The term "Communications" as used herein includes, by way of illustration and not limitation: written "Communications" by way of letter, note, memorandum, bulletin, email, text message, or electronic message and their attachments, and verbal "Communications" by way of telephone call, voicemail, meeting, conversation, or oral statement, including all video and audio recordings of same. The term as used herein further embraces interpersonal "Communications" and those by way of intermediary.

Q. "Cliffs at Mountain Park Wastewater Treatment System" shall mean the wastewater treatment plant, collection system, and all related infrastructure serving (a) the Village Overlook Condominiums, (b) the Cliffs at Mountain Park commercial village, and (c) any other residential and/or commercial JACABB customers through JACABB's wastewater treatment plant located at the Cliff's at Mountain Park development, and (d) any other JACABB customers connected or anticipated to be connected to that system.

INTERROGATORIES

1. Identify all residences, businesses, and any other customers (collectively, "Sewer Customers") who are connected to the Cliffs at Mountain Park Wastewater Treatment System (the "Wastewater Treatment System"). Identify each such Sewer Customer, regardless of whether such Sewer Customer is paying for wastewater treatment services.

2. For each Sewer Customer, Identify the date such Sewer Customer connected to the Wastewater Treatment System, the monthly amount JACABB is billing such Sewer Customer, if any, for wastewater treatment services, and the methodology JACABB used to determine the monthly amount it is billing such Sewer Customer for wastewater treatment services.

3. From January 1, 2009 through present, Identify every individual, residence, business, or other entity that has ever had an obligation to pay JACABB sewer availability fees related to the Wastewater Treatment System (collectively, "Sewer Availability Customers"), including without limitation every past, current, and prospective Sewer Availability Customer.

4. For each Sewer Availability Customer, Identify the date such Sewer Availability Customer became obligated to pay sewer availability fees to JACABB, the monthly amount JACABB bills or is authorized to bill such Sewer Availability Customer for such service, and the methodology for determining the monthly amount JACABB bills or is authorized to bill such Sewer Availability Customer for such service.

5. Identify every property, location, and entity, including without limitation every Sewer Availability Customer, to which JACABB currently makes sewer service available through the Wastewater Treatment System and/or has made such sewer service available, from January 1, 2009 through present.

6. For each property, location, and/or entity identified in response to the immediately preceding interrogatory, state whether JACABB has charged such property, location and/or entity a Sewer Availability Fee, and whether such property, location and/or entity has paid a sewer availability fee. For each such property, location, and/or entity who has not paid a sewer availability fee, explain why such property, location and/or entity has not paid a sewer availability fee.

7. Identify all businesses, commercial entities, owners and/or developers - including without limitation those related to all commercial buildings currently under construction and/or anticipated to begin construction at or near the Village at Mountain Park commercial village - whose owners and/or developers have requested that JACABB

provide sewer service (“New and/or Prospective Business Customers”). For each such New and/or Prospective Business Customer:

a. Is such New and/or Prospective Business Customer, any other related person or entity and/or, any current or previous owner of the related property upon which the commercial building is or will be constructed, paying a sewer availability fee to JACABB?

b. If the answer to Interrogatory 7.a. is no, why not?

c. If the answer to Interrogatory 7.a. is yes, Identify the amount of such availability fees JACABB has billed, the person or entity to which JACABB has bill such availability fees, and the amount such person or entity has paid JACABB for such sewer availability fees.

d. What sewer treatment rates and charges will JACABB charge each such New and/or Prospective Customer after such New and/or Prospective Customer is connected to the Wastewater Treatment System?

e. How were such sewer treatment rates and charges calculated and/or determined and what basis (contract, tariff, etc.) does JACABB assert for such rates and charges?

f. Identify every contract between JACABB and any other person or entity related to each such New and/or Prospective Business Customer.

8. Identify every application that JACABB has received, accepted, and/or approved for sewer capacity related to the Wastewater Treatment System and/or the Cliffs at Mountain Park commercial and/or residential development.

9. Identify every application that JACABB has received, accepted, and/or approved for sewer treatment service related to the Wastewater Treatment System and/or the Cliffs at Mountain Park commercial and/or residential development.

10. Identify every person or entity to whom JACABB mailed the Notice of Filing issued by the Commission in JACABB's Request for Approval of Amendment Number One to Agreements Between the Cliffs at Mountain Park, LLC and JACABB Utilities LLC and Village Overlook Condominium Association and JACABB Utilities, LLC, as set forth in the September 4, 2014 letter from the Commission to Stephen R. Goldie in Docket No. 2009-238-S.

ADAMS AND REESE LLP

BY: s/ John F. Beach
John F. Beach
1501 Main Street, 5th Floor
Columbia, SC 29201
Telephone: (803) 343-1269
john.beach@arlaw.com
Attorneys for Village Overlook
Condominium Association

January 21, 2015